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*Attorneys for Defendant AVX Corporation*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDAH WOLF,

Plaintiff,

-against-

AVX CORPORATION,

Defendant.

Index No. 08 Civ. 934 (WHP)

**ANSWER AND  
AFFIRMATIVE DEFENSES**

The Defendant, AVX Corporation (“AVX”), by its attorneys, answers to the Plaintiff’s Complaint as follows:

1. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint.
2. AVX denies the allegations in paragraph 2 of the Complaint except admits that American Technical Ceramics Corp. is a Delaware corporation with a place of business in the State of New York.
3. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint and respectfully refers this Court to Exhibit A of

the Complaint for its terms and conditions.

4. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint.

5. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint.

6. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint and respectfully refers this Court to Exhibit B of the Complaint.

7. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint and respectfully refers this Court to Exhibit C of the Complaint.

8. AVX denies the allegations in paragraph 8 of the Complaint except admits that AVX's principal place of business is located in Myrtle Beach, South Carolina.

9. AVX denies knowledge or information sufficient to form a belief as to the allegations in paragraph 9 of the Complaint and respectfully refers this Court to Exhibit D of the Complaint.

10. AVX denies the allegations in paragraph 10 of the Complaint.

11. AVX admits that it sent plaintiff a letter, dated November 6, 2007, and respectfully refers this Court to Exhibit E of the Complaint.

12. AVX denies the allegations in paragraph 12 of the Complaint and respectfully refers this Court to Exhibit A of the Complaint.

13. AVX denies the allegations in paragraph 13 of the Complaint and respectfully refers this Court to Exhibit A of the Complaint.

14. AVX denies the allegations in paragraph 14 of the Complaint inasmuch as said allegations are legal conclusions.

15. AVX denies the allegations in paragraph 15 of the Complaint except admits that it disputes the assertions of plaintiff in this action.

16. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint.

17. AVX denies the allegations in paragraph 17 of the Complaint inasmuch as said allegations are legal conclusions.

18. AVX denies knowledge or information sufficient to form a belief as to the truth of the allegation that plaintiff has refrained from “competing” with AVX, and denies the remaining allegations in paragraph 18 of the Complaint inasmuch as said allegations are legal conclusions.

19. AVX denies the allegations in paragraph 19 of the Complaint.

20. AVX denies the allegations in paragraph 20 of the Complaint.

21. AVX denies the allegations in paragraph 21 of the Complaint inasmuch as said allegations are legal conclusions.

22. AVX denies the allegations in paragraph 22 of the Complaint.

**AS AND FOR A FIRST CAUSE OF ACTION**

23. AVX repeats and realleges each and every response contained in paragraphs 1 through 22 of this Answer with the same force and effect as if separately alleged and reiterated herein.

24. AVX denies the allegations in paragraph 24(a)-(h) of the Complaint.

**AS AND FOR A SECOND CAUSE OF ACTION**

25. AVX repeats and realleges each and every response contained in paragraphs 1 through 24 of its Answer with the same force and effect as if separately alleged and reiterated herein.

26. AVX denies the allegations in paragraph 26 of the Complaint.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The Complaint fails to state a claim upon which relief may be granted.

**Second Affirmative Defense**

Without conceding that the plaintiff has suffered damages, plaintiff is barred from recovery by his failure to mitigate his damages.

**Third Affirmative Defense**

Plaintiff's causes of action are barred, in whole or in part, based on the doctrine of equitable estoppel.

**Fourth Affirmative Defense**

Plaintiff's causes of action are barred, in whole or in part, based on the doctrine of waiver.

AVX reserves the right to assert additional defenses during the course of this action based on information learned through discovery.

**WHEREFORE**, AVX demands that the Complaint be dismissed in its entirety, and that AVX be awarded such other and further relief as may be deemed just and proper.

Dated: March 11, 2008  
New York, New York

DEFENDANT AVX CORPORATION

By: 

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